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REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-THIRD SESSION OF THE COMMISSION

Draft report of the Commission

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* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

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1997/50. Question of arbitrary detention

The Commission on Human Rights,

Reaffirming articles 3, 9, 10 and 29, as well as other relevant provisions of the Universal Declaration of Human Rights,

Recalling articles 9, 10, 11 and 14 to 22 of the International Covenant on Civil and Political Rights,

Taking particular account of the principle of the independence of the judiciary,

Recalling its resolutions 1991/42 of 5 March 1991, 1992/28 of 28 February 1992, 1993/36 of 5 March 1993, 1994/32 of 4 March 1994, 1995/59 of 7 March 1995 and 1996/28 of 19 April 1996,

Bearing in mind that, in accordance with resolution 1991/42, the task of the Working Group on Arbitrary Detention is to investigate cases of detention imposed arbitrarily or otherwise inconsistently with the relevant international standards set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments accepted by the States concerned,

Having considered the report of the Working Group on Arbitrary Detention (E/CN.4/1997/4 and Add.1-3),

1. Takes note:

(a) Of the work of the Working Group on Arbitrary Detention and its efforts to revise its methods of work, and underlines the initiatives it has taken to strengthen cooperation and dialogue with States and for the establishment of cooperation with all those concerned by the cases submitted to it for consideration, in accordance with its mandate;

(b) Of the importance that the Working Group attaches to coordination with other mechanisms of the Commission on Human Rights, other relevant United Nations bodies and treaty-monitoring bodies, as well as to strengthening the role of the Centre for Human Rights in such coordination, and encourages the Working Group to take all the necessary steps to avoid duplication with those mechanisms, in particular regarding the treatment of the communications it receives and field visits;

(c) Of the report of the Working Group (E/CN.4/1997/4 and Add.1-3);

2. Invites the Working Group in discharging its mandate, to continue:

(a) To seek and gather information from Governments and intergovernmental and non-governmental organizations, as well as from the individuals concerned, their families or their legal representatives;

(b) To re-examine its methods of work, in particular those relating to the admissibility of communications received, to the "urgent appeals" procedure and to the deadlines set for Governments to reply to requests concerning individual cases, and, in the application of the 90-day deadline for replies, to show flexibility as appropriate by granting an extension of this deadline where necessary without, however, prejudging its final conclusions, and to report regularly to the Commission, in its annual report, on these matters;

(c) To carry out its task with discretion, objectivity, impartiality and independence, within the framework of its mandate, and the independent experts to continue to perform their task with rigour, having regard to the very specific nature of their mandate, and to respond effectively to credible and reliable information that comes before them;

(d) To take gender-specificity into account in its reports, including by giving particular attention to the situation of women subjected to arbitrary deprivation of liberty;

3. Considers that the Working Group, within the framework of its mandate, and aiming still at objectivity, could take up cases on its own initiative;

4. Requests the Working Group to devote all necessary attention to reports concerning the situation of immigrants and asylum seekers who are allegedly being held in prolonged administrative custody without the possibility of administrative or judicial remedy, and to include observations on this question in its report to the next session of the Commission on Human Rights;

5. Takes note of the decision taken by the Working Group not to apply the International Covenant on Civil and Political Rights to States which are not yet parties thereto and requests the Working Group, as announced by its Chairman/Rapporteur in the plenary of the fifty-third session of the Commission, not to apply other relevant international legal instruments to States which are not yet parties thereto;

6. Appeals, in this connection, to States which have not yet done so to consider acceding to or ratifying those international instruments, and to States which have entered reservations to consider withdrawing them;

7. Takes note also of the decision of the Working Group, as announced by its Chairman/Rapporteur in the plenary of the fifty-third session of the Commission, to give views rather than take decisions;

8. Requests Governments concerned to take account of the Working Group's views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty and to inform the Working Group of the steps they have taken;

9. Encourages Governments concerned:

(a) To pay attention to the recommendations of the Working Group concerning persons mentioned in its report, who have been detained for a number of years;

(b) To take appropriate measures in order to ensure that their legislation in these fields is in conformity with the relevant international standards and the relevant international legal instruments applicable to the States concerned, and not to extend states of emergency beyond what is strictly required by the situation, or to limit their effects;

10. Encourages all Governments to invite the Working Group to their countries in order that it may fulfil its mandate even more effectively;

11. Requests Governments concerned to give the necessary attention to the "urgent appeals" addressed to them by the Working Group on a strictly humanitarian basis and without prejudging its final conclusions;

12. Expresses its profound thanks to Governments which have extended their cooperation to the Working Group and responded to its requests for information, and invites all Governments concerned to demonstrate the same spirit of cooperation;

13. Welcomes the fact that the Working Group has been informed of the release of many individuals whose situation had been brought to its attention;

14. Requests the Secretary-General:

(a) To extend his assistance to Governments expressing the wish to receive it, as well as to special rapporteurs and working groups, with a view to ensuring promotion and observance of the guarantees relating to states of emergency that are laid down in the relevant international instruments;

(b) To ensure that the Working Group receives all necessary assistance, particularly in regard to staffing and resources needed to discharge its mandate, and notably with respect to field missions;

15. Decides to renew, for a three-year period, the mandate of the Working Group composed of five independent experts entrusted with the task of investigating cases of deprivation of liberty imposed arbitrarily, provided that no final decision has been taken in such cases by domestic courts in conformity with domestic law, with the relevant international standards set forth in the Universal Declaration of Human Rights and with the relevant international instruments accepted by the States concerned;

16. Requests the Working Group to submit to it, at its fifty-fourth session, a report on its activities and on the implementation of this resolution, and include any suggestions and recommendations which would enable it to discharge its task in the best possible way, and to continue its consultations to that end within the framework of its terms of reference;

17. Decides to continue its consideration of the question at its fifty-fourth session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

64th meeting
15 April 1997
[Adopted without a vote. See chap. VIII.]

1997/51. Assistance to Guatemala in the field of human rights

The Commission on Human Rights,

Deeply gratified by the signing of the Agreement on a Firm and Lasting Peace by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) on 29 December 1996, which brought an end to the period of the most serious violations of human rights and to the internal armed conflict and concluded the negotiation process,

Recognizing the importance of the role played in these negotiations by the moderator appointed by the Secretary-General and the importance of the participation of the Group of Friendly Countries composed of Colombia, Spain, the United States of America, Mexico, Norway and Venezuela, and of the valuable contributions of the Civil-Society Assembly and other national and international actors,

Encouraged by the measures already taken by the signatories of the peace agreements to give effect to those agreements, such as the creation of the Follow-up Commission, the actions of the Guatemalan Government, the demobilization of URNG combatants under the supervision of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) within a period of 60 days beginning on 3 March 1997, as established in the timetable adopted for the implementation of the agreements from January 1997 to 31 December 2000, and the proper observance of the timetable,

Encouraged also by the international support for the Guatemalan Peace process, both in political terms, with the approval by the Security Council on 20 January 1997 of the formation of a military component of MINUGUA to verify the definitive ceasefire and the recent extension of MINUGUA's mandate in March 1997, and in economic terms, with the approval of funds for cooperation in implementating the commitments made in the peace agreements, at the meeting of the Donor Consultative Group held in Brussels on 21 and 22 January 1997,

Having considered with satisfaction the report of the independent expert, Mrs. Mónica Pinto (E/CN.4/1997/90) and having studied its conclusions and recommendations, expresses its gratitude for the report and for the way in which she has discharged her mandate, as well as for the reports submitted to the Secretary-General by MINUGUA,

Concerned by the fact that violations of human rights and acts of violence continue to occur in which, in some cases, members of the armed and security forces and other government officials participated, although the policies and actions of the Government are opposed to such acts and seek to put an end to them,

Regretting the human rights violations, both individual and collective, the marginalization and discrimination that the indigenous populations in Guatemala suffered and are suffering, together with the continued deterioration of the economic and social situation, with its serious consequences for the great majority of the population, particularly for the indigenous peoples of Guatemala and the most vulnerable sectors of Guatemalan society,

1. Expresses its deep appreciation to the Government of Guatemala and URNG for their extraordinary efforts in concluding the Peace negotiations in 1996, to the moderator appointed by the Secretary-General for his invaluable

contribution, to the Group of Friendly Countries for their efforts in advancing the Peace process and bringing it to a successful conclusion and to the Civil-Society Assembly for its valuable contribution to the drawing up of the agreements signed;

2. Recognizes the efforts of the Guatemalan Government in the field of human rights and encourages it to apply the necessary urgent measures to consolidate democratic institutions and to protect and promote human rights and fundamental freedoms, taking into account the recommendations of the independent expert, the contributions of MINUGUA and the commitments made in the Peace agreements on the basis of the timetable for their implementation;

3. Regrets that, notwithstanding the efforts of the Government and the extraordinary developments in the area of peace, acts of violence persist, including violations of the right to life and physical integrity, and that impunity also continues to exist, and expresses its concern that the National Reconciliation Act might be used as an instrument for granting impunity to State officials involved in serious violations of human rights and criminal acts committed in the armed conflict;

4. Recognizes the work done by the Human Rights Procurator in the defence of human rights and fundamental freedoms and exhorts the Government of Guatemala to guarantee the conditions for the strengthening of his activities through the adoption of legislative measures to enable him to participate in judicial proceedings relating to human rights violations;

5. Recognizes also the valuable role played by the non-governmental human rights organizations in defending and promoting human rights and in combating impunity for violators of human rights and requests the Government to facilitate their activities and the use of advisory services in the field of human rights;

6. Expresses its confidence that the Government of Guatemala, URNG and all those responsible for compliance with the Peace Agreements will take steps to fulfil the commitments made, in strict accordance with the timetable for the implementation of the Peace agreements and on the basis of the spirit and letter of the Agreement on a Firm and Lasting Peace, following the recommendations and guidelines of the Follow-up Commission;

7. Is confident that the Commission to clarify past human rights violations and acts of violence that have caused the Guatemalan people to suffer, coordinated by Mr. Christian Tomuschat, will begin its work as soon as

possible and requests the international community and the Government to extend full cooperation to the Commission, including access to any confidential information, and provide it with the necessary resources and time needed to carry out its mandate in accordance with the relevant agreements;

8. Calls upon the Government of Guatemala, URNG and Guatemalan society as a whole to make every possible effort to familiarize the Guatemalan people with the content of the Peace agreements as quickly as possible, to ensure the full participation of the people in building the new multi-ethnic, multicultural and plurilingual nation, establishing a democratic society with social justice, initiating a period of sustained and sustainable economic and social development and ensuring the pre-eminence of civilian authority in national decision-making;

9. Also calls upon the Government of Guatemala to continue, on the basis of the Agreement on a Firm and Lasting Peace and in accordance with its timetable, to adopt and develop concrete measures against extreme poverty, using national resources and with international support, with a view to enabling the population to attain better living standards, giving priority to economic and social development programmes which respond adequately to the most urgent needs of the Guatemalan people in general and the indigenous communities in particular;

10. Further calls upon the Government of Guatemala, in order to preserve broad support for the Peace agreements and foster enthusiasm for compliance with them, to seek dialogue with all sectors and to use concertation as a way of resolving social and economic conflicts, particularly those relating to the tenure and use of land and those affecting the rights of workers;

11. Requests the Congress of the Republic to conduct its legislative work with the firm resolve of adhering to the letter, spirit and overall perspective of the Peace agreements and to seek the broadest possible consensus for the adoption of laws, both those deriving from the Peace agreements and ordinary laws, so as to ensure that they become effective instruments for the transformation of the State and society provided for in the agreements;

12. Requests the judicial authorities, in coordination with the Executive Power, the Congress of the Republic and the Commission on the Strengthening of the Justice system, to expedite the restructuring and

consolidation of the judicial system on the basis of the Peace agreements and their timetable, so as to fully guarantee the rule of law, the application of justice, unconditional observance of human rights and the elimination of impunity, particularly for violators of human rights;

13. Welcomes with satisfaction the signing of the agreement on the provision of advisory services in the field of human rights between the Government of the Republic of Guatemala and the Centre for Human Rights and requests the Secretary-General to develop as quickly as possible specific programmes for the strengthening and development of governmental and non-governmental human rights organizations, using the resources provided for in the agreement;

14. Expresses its deepest appreciation to the independent expert, Mrs. Mónica Pinto, for the professional, competent and independent manner in which she has discharged her mandate and regrets her resignation presented to the Secretary-General in March this year;

15. Requests the Secretary-General to send a mission to Guatemala at the end of 1997, within the approved overall budget for the current biennium, to submit a report to the Commission on Human Rights at its fifty-fourth session on the evolution of the situation of human rights in Guatemala in the light of the implementation of the Peace Agreements, taking into account the verification work done by MINUGUA and the information submitted by the Government of Guatemala, the Follow-up Commission on the compliance with the Peace Agreements, the political organizations and the non-governmental human rights organizations, as well as on the implementation of the agreement on the provision of advisory services in the field of human rights signed by the Government of Guatemala and the High Commissioner for Human Rights, with a view to concluding the consideration of the case of Guatemala in the agenda of the Commission;

16. Decides to consider this question at its next session under the agenda item on advisory services in the field of human rights.

64th meeting
15 April 1997
[Adopted without a vote. See chap. XVIII.]

1997/52. Situation of human rights in Haiti

The Commission on Human Rights,

Guided by the Principles embodied in the Charter of the United Nat the Universal Declaration of Human Rights and the International Covenants Human Rights,

Reaffirming that all Member States have the obligation to promote h rights and to fulfil the obligations they have undertaken under the vario instruments in this field,

Recalling its resolution 1996/58 of 19 April 1996 and General Asser resolution 51/110 of 12 December 1996,

Having in mind the report (E/CN.4/1997/89) of the independent exper Mr. Adama Dieng, appointed to consider the development of the human right situation in Haiti and to verify compliance by that country with its obligations in that field, and the recommendations contained therein,

Acknowledging the work done by the International Civilian Mission t Haiti, the United Nations Support Mission in Haiti and the National Commi for Truth and Justice, in the field of the diffusion of democratic princi and respect for human rights,

Welcoming the extension by the General Assembly in resolution 50/86 29 August 1996 of the mandate of the International Civilian Mission to Ha

Welcoming the improvements in the situation of human rights in Hait and noting the statements by Haitian authorities that the Government of H remains committed to upholding such rights,

Drawing attention to the need for the Haitian National Police to re technical training to enable it to perform its functions efficiently,

Emphasizing the need to strengthen the Haitian judicial and peniten system, particularly by the development of a broad programme of civic education and training in human rights and the introduction of legal serv in rural areas,

Expressing concern at the reports of cases of illegal and arbitrary detention,

Welcoming warmly the request for technical assistance and advisory services in the field of human rights addressed by the Government of Hait the Centre for Human Rights,

Expressing its satisfaction at the invitation to visit Haiti addressed by the Government of Haiti to the Special Rapporteur of the Commission on Human Rights on violence against women,

1. Thanks the Secretary-General and his Special Representative for the work done with a view to consolidating democratic Haitian institutions and respect for human rights in that country;

2. Welcomes the satisfactory evolution of the political process in Haiti, as reflected in particular in the holding of five elections that culminated with the presidential elections of 17 December 1995, which permitted the first transfer of power between two democratically elected Presidents, and takes note of the partial parliamentary elections held on 6 April 1997;

3. Takes note with gratitude of the report (E/CN.4/1997/89) of Mr. Adama Dieng, independent expert of the Commission on Human Rights on the situation of human tights in Haiti, and of the conclusions and recommendations contained therein;

4. Welcomes the report of the National Commission for Truth and Justice, as well as the reports of the International Civilian Mission to Haiti on Haitian justice and respect for human rights by the National Police of that country, and urges the Government of Haiti, with the support of the international community, to take the necessary measures in accordance with the recommendations contained therein;

5. Recognizes the importance, from the standpoint of the realization of a genuine and effective transition and national reconciliation process, of the investigations undertaken by the National Commission for Truth and Justice and requests the Government of Haiti to have that Commission's report widely distributed throughout the country;

6. Requests the General Assembly to study the possibility of extending the mandate of the International Civilian Mission to Haiti which expires in June 1997;

7. Encourages the continuation of the inclusion of ethics courses in police training programmes, and takes note of the work of the general inspectorate to investigate human rights abuses perpetrated by members of the police with a view to strengthening reforms and putting an end to impunity;

8. Requests the Haitian Government to adopt a civics education programme to promote the creation of confidence between the population and the National Police;

9. Expresses its concern at the security problems faced by Haitian society, some of which are due to the difficult social and economic conditions characteristic of that society in recent times;

10. Requests the Government of Haiti to adopt urgent measures to ensure respect for judicial guarantees, thereby putting an end to cases of illegal and arbitrary detention;

11. Supports the reform of the judicial system at present being carried out by the Government of Haiti, which includes training in international humanitarian law and human rights, and emphasizes its priority in the framework of the bilateral or multilateral assistance provided by the international community, including the United Nations Development Programme;

12. Encourages the international community to contribute generously to the Trust Fund for the Haitian National Police to be used, in accordance with the request of the Government of Haiti, to develop a technical advisory programme;

13. Welcomes the establishment of the programme of technical cooperation by the Centre for Human Rights aimed at strengthening institutional capacity in respect of human rights, particularly in the areas of legislative reform, the training of justice administration personnel and human rights education, and requests the Secretary-General to submit a report on the implementation of this programme to the Commission on Human Rights at its fifty-fourth session;

14. Invites the independent expert to inform the General Assembly at its fifty-second session and the Commission on Human Rights at its fifty-fourth session about the development of the human rights situation in Haiti;

15. Invites the international community, including the Bretton Woods institutions, to continue their involvement in the reconstruction and development of Haiti, having regard to the fragility of the political, social and economic situation of the country;

16. Encourages the Government of Haiti to consider ratifying the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

and the Optional Protocols to the International Covenant on Civil and Political Rights, and to submit without delay its report to the Human Rights Committee;

17. Also encourages the Government of Haiti to study the possibility of establishing, with the assistance of the Centre for Human Rights, a national institution for the protection and promotion of human rights with the greatest possible participation of civil society;

18. Invites the Special Rapporteur on violence against women to consider favourably the invitation by the Government of Haiti to visit the country;

19. Decides to continue consideration of this question at its fifty-fourth session, under the item entitled "Advisory services in the field of human rights".

64th meeting
15 April 1997

[Adopted without a vote. See chap. XVIII.]

1997/53. Situation of human rights in Nigeria

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that Nigeria is a party to the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights, most recently General Assembly resolution 51/109 of 12 December 1996 and Commission on Human Rights resolution 1996/79 of 23 April 1996,

1. Welcomes:

(a) The report on the situation of human rights in Nigeria submitted jointly by the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the independence of judges and lawyers and the addendum thereto (E/CN.4/1997/62 and Add.1);

(b) The declared commitment by the Government of Nigeria to civilian rule, multi-party democracy and freedom of assembly, press and political activity, and recalling in this regard the declaration by the Government of 1 October 1995;

(c) The commitment by the Government of Nigeria to remove all military personnel from the Civil Disturbances Tribunal and the special tribunals, to establish the opportunity for appeal and to re-establish the system of habeas corpus, and to allow the National Human Rights Commission to investigate human rights abuses;

(d) The resumption of dialogue between Nigeria and the Commonwealth;

2. Expresses its deep concern:

(a) At continuing violations of human rights and fundamental freedoms in Nigeria, including arbitrary detention, as well as failure to respect due process of law;

(b) That additional persons among those detained in Nigeria are to be tried by the same flawed judicial process which led to the arbitrary execution of Ken Saro-Wiwa and his associates;

(c) That the Government of Nigeria, despite earlier commitments, refuses to cooperate with the Commission, which prevented the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the independence of judges and lawyers from visiting Nigeria;

(d) That the absence of representative government in Nigeria has led to violations of human rights and fundamental freedoms and is contrary to the popular support for democratic government as evidenced in the 1993 elections;

3. Calls upon the Government of Nigeria:

(a) To ensure the observance of human rights and fundamental freedoms, including by respecting the right to life, by releasing all political prisoners, trade union leaders, human rights advocates and journalists currently detained, by improving conditions of detention and by guaranteeing respect for the rights of individuals, including persons belonging to minorities;

(b) To abide by its freely undertaken obligations under the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other human rights

instruments, including the African Charter on Human and Peoples' Rights, and notes with interest in this regard the recommendations of the Human Rights Committee to the Government of Nigeria (CCPR/C/79/Add.65);

(c) To ensure that all trials are held fairly and promptly and in strict conformity with international human rights standards;

(d) To ensure the independence of the National Human Rights Commission;

(e) To implement fully its interim undertakings to the Secretary-General without further delay and to respond in full to the recommendations of the Secretary-General's mission to Nigeria;

(f) To cooperate fully with the Commission and its mechanisms;

(g) To take concrete steps to restore democratic government without delay;

4. Decides:

(a) To invite the Chairman of the Commission to appoint, after consultations with the Bureau, a special rapporteur on the situation of human rights in Nigeria, with a mandate to establish direct contacts with the authorities and the people of Nigeria, and requests that the special rapporteur report to the General Assembly at its fifty-second session and to the Commission at its fifty-fourth session, on the basis of any information which might be gathered, and to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General, in the discharge of his good offices mandate and in cooperation with the Commonwealth, to continue further discussions with the Government of Nigeria and to report on progress in the implementation of the present resolution and possibilities for the international community to lend practical assistance to Nigeria in achieving the restoration of democratic rule and the full enjoyment of human rights and fundamental freedoms;

(c) To continue its consideration of the situation of human rights and fundamental freedoms in Nigeria at its fifty-fourth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

64th meeting
15 April 1997
[Adopted by a roll-call vote of 28 to 6, with 19 abstentions. See chap. X.]

1997/54. Situation of human rights in the Islamic Republic of Iran

The Commission on Human Rights,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that the Islamic Republic of Iran is a party to the International Covenants on Human Rights,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, the most recent of which are General Assembly resolution 51/107 of 12 December 1996 and Commission on Human Rights resolution 1996/84 of 24 April 1996,

1. Welcomes:

(a) The report of the Special Representative of the Commission (E/CN.4/1997/63);

(b) The request by the Government of the Islamic Republic of Iran for technical assistance and advisory services from the High Commissioner for Human Rights/Centre for Human Rights;

2. Expresses its concern:

(a) At the continuing violations of human rights in the Islamic Republic of Iran, in particular the large number of executions in the apparent absence of respect for internationally recognized safeguards, cases of torture and cruel, inhuman or degrading treatment or punishment, including amputation and public executions, the failure to meet international standards in the administration of justice and the absence of due process of law;

(b) At the grave breaches of the human rights of the Baha'is in the Islamic Republic of Iran and situations of discrimination against the members of this religious community, as well as at the discriminatory treatment of minorities by reason of their religious beliefs, including certain Christian minorities, some members of which have been the target of intimidation and assassination;

(c) At the lack of continuity in the cooperation of the Government with the mechanisms of the Commission on Human Rights;

(d) At the continuing threat to the life of Mr. Salman Rushdie, as well as to individuals associated with his work, which appear to have the support

of the Government of the Islamic Republic of Iran, and deeply regrets the increase announced in the bounty offered for the assassination of Mr. Rushdie by the 15 Khordad Foundation;

(e) At violations of the right to peaceful assembly and restrictions on the freedoms of expression, thought, opinion and the press, and the harassment and intimidation of writers and journalists seeking to exercise their freedom of expression, the arrest of the writer Mr. Faraj Sarkuhi being only the most recent example of such unacceptable practices;

(f) At the lack of full and equal enjoyment by women of human rights, while noting efforts to integrate women more fully into the political, economic and cultural life of the country;

3. Calls upon the Government of the Islamic Republic of Iran:

(a) To resume its cooperation with the mechanisms of the Commission on Human Rights, in particular with the Special Representative in order to allow him to continue his inquiry first-hand and to continue his dialogue with the Government;

(b) To abide by its freely undertaken obligations under the International Covenants on Human Rights and under other international instruments on human rights, and to ensure that all individuals within its territory and subject to its jurisdiction, including members of religious groups and persons belonging to minorities, enjoy all the rights enshrined in those instruments;

(c) To implement fully the recommendations of the Special Representative and the relevant recommendations of the Special Rapporteurs on religious intolerance and on freedom of opinion and expression, in particular the recommendations relating to the Baha'is, Christians, Sunni and other minority religious groups;

(d) To take effective measures to eliminate all discrimination against women, in law and in practice;

(e) To refrain from violence against members of the Iranian opposition living abroad and to cooperate wholeheartedly with the authorities of other countries in investigating and prosecuting offences reported by them;

(f) To provide satisfactory written assurances that it does not support or incite threats to the life of Mr. Rushdie;

(g) To ensure that capital punishment will not be imposed for apostasy or non-violent crimes, or in disregard of the provisions of the International Covenant on Civil and Political Rights and the United Nations safeguards;

4. Decides:

(a) To extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year, and requests the Special Representative to submit an interim report to the General Assembly at its fifty-second session and to report to the Commission at its fifty-fourth session, and to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Representative to enable him to discharge his mandate fully;

(c) To continue the examination of the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, at its fifty-fourth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

64th meeting
15 April 1997
[Adopted by a roll-call vote of 26 to 7, with 19 abstentions. See chap. X.]

1997/55. Human rights situation in southern Lebanon and West Bekaa

The Commission on Human Rights,

Gravely concerned at the persistent practices of the Israeli occupation forces in southern Lebanon and West Bekaa, which constitute a violation of the principles of international law regarding the protection of human rights, in particular the Universal Declaration of Human Rights, as well as a grave violation of the relevant provisions of international humanitarian law as contained in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 and the IVth Hague Convention of 1907,

Reiterating its deep regret at the failure of Israel to implement Security Council resolutions 425 (1978) of 19 March 1978 and 509 (1982) of 6 June 1982,

Censuring the repeated Israeli aggressions in southern Lebanon and West Bekaa, and in particular the large-scale offensive launched in April 1996 which caused a large number of deaths and injuries among civilians, displaced thousands of families and destroyed many dwellings and public utilities,

Reaffirming that the continued occupation and practices of the Israeli forces constitute a violation of the relevant resolutions of the Security Council as well as of the will of the international community and the conventions in force on this matter,

Hoping that the efforts made in order to achieve peace in the Middle East will put an end to the violations of human rights that are being committed in the occupied zone in southern Lebanon and West Bekaa and that the peace negotiations will continue with a view to reaching a settlement of the Middle East conflict and achieving a just and comprehensive peace in the region,

Gravely concerned at the persistent detention by Israel of many Lebanese citizens in the detention centres of Khiyam and Marjayoun, and at the death of some of these detainees as a result of ill-treatment and torture,

Reaffirming its resolution 1996/68 of 23 April 1996, and expressing its deep regret at the failure of Israel to implement this resolution,

1. Deplores the continued Israeli violations of human rights in the occupied zone in southern Lebanon and West Bekaa, demonstrated in particular by the abduction and arbitrary detention of civilians, the destruction of their dwellings, the confiscation of their property, their expulsion from their land, the bombardment of peaceful villages and civilian areas, and other practices violating human rights;

2. Calls upon Israel to put an immediate end to such practices, consisting in air raids and the use of prohibited weapons such as fragmentation bombs, and to implement Security Council resolutions 425 (1978) of 19 March 1978 and 509 (1982) of 6 June 1982 requiring Israel's immediate, total and unconditional withdrawal from all Lebanese territories and respect for the sovereignty, independence and territorial integrity of Lebanon;

3. Also calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and West Bekaa, to comply with the Geneva Conventions of 1949, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

4. Further calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and West Bekaa, to release immediately all the Lebanese who have been abducted and imprisoned and other persons detained in prisons and detention centres in the occupied territories in Lebanon in violation of all the Geneva Conventions and international law;

5. Affirms the obligation for Israel, the occupying Power of territories in southern Lebanon and West Bekaa, to commit itself to allowing the International Committee of the Red Cross and other international humanitarian organizations operating in the region to periodically visit the detention centres of Khiyam and Marjayoun and to verify the sanitary and humanitarian conditions of the detainees and, in particular, the circumstances which led to the death of some of them as a result of ill-treatment and torture;

6. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Israel and to invite it to provide information concerning the extent of its implementation thereof;

(b) To report to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-fourth session on the results of his efforts in this regard;

7. Decides to continue its consideration of the human rights situation in southern Lebanon and West Bekaa at its fifty-fourth session.

64th meeting
15 April 1997
[Adopted by a roll-call vote of 51 to 1, with 1 abstention. See chap. X.]

1997/56. Cooperation with representatives of United Nations human rights bodies

The Commission on Human Rights,

Reiterating its concern at the continued reports of intimidation and reprisals against private individuals and groups who seek to cooperate with the United Nations and representatives of its human rights bodies,

Also concerned at reports about incidents where private individuals have been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms,

Recalling its resolutions 1990/76 of 7 March 1990, 1991/70 of 6 March 1991, 1992/59 of 3 March 1992, 1993/64 of 10 March 1993, 1994/70 of 9 March 1994, 1995/75 of 8 March 1995 and 1996/70 of 23 April 1996, and taking note of the report of the Secretary-General on the question (E/CN.4/1997/50),

1. Urges Governments to refrain from all acts of intimidation or reprisal against:

(a) Those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them;

(b) Those who avail or have availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who have provided legal assistance to them for this purpose;

(c) Those who submit or have submitted communications under procedures established by human rights instruments;

(d) Those who are relatives of victims of human rights violations;

2. Requests all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the hampering of access to United Nations human rights procedures in any way;

3. Also requests all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the occurrence of such intimidation and reprisals;

4. Further requests such representatives and treaty bodies to continue to include in their respective reports to the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities or the General Assembly a reference to allegations of intimidation or reprisal and of hampering of access to United Nations human rights procedures, as well as an account of action taken by them in this regard;

5. Requests the Secretary-General to draw the attention of such representatives and treaty bodies to the present resolution;

6. Invites the Secretary-General to submit to the Commission at its fifty-fourth session a report containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against those referred to in paragraph 1 above;

7. Decides to consider the question again at its fifty-fourth session.

64th meeting
15 April 1997
[Adopted without a vote. See chap. X.]

1997/57. Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

The Commission on Human Rights,

Recalling all relevant resolutions of the Commission, the General Assembly and the Security Council on this subject, in particular its own resolutions 1992/S-1/1 of 14 August 1992, 1995/35 of 3 March 1995, 1995/89 of 8 March 1995 and 1996/71 of 23 April 1996, General Assembly resolution 51/116 of 12 December 1996 and Security Council resolutions 1031 (1995) of 15 December 1995 and 1035 (1995) of 21 December 1995, 1079 (1996) of 15 November and 1080 (1996) of 13 December 1996,

Expressing its full support for the General Framework for Peace in Bosnia and Herzegovina (the "Framework Agreement") and the annexes thereto, initialled in Dayton, Ohio, United States of America on 21 November 1995 and signed in Paris on 14 December 1995 (together, the "Peace Agreement"), which, inter alia, committed the parties in Bosnia and Herzegovina to respect fully human rights, and for the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, signed on 12 November 1995, and for Security Council resolution 1037 (1996) of 15 January 1996 which establishes the United Nations Transitional Authority in Eastern Slavonia, Baranja and Western Slavonia,

Welcoming the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), in particular article 7 thereof which, inter alia, ensures conditions for the return of refugees and displaced persons and the return of

their property or a just compensation, and in that context stressing the positive impact of mutual recognition agreements among successor States of the former Yugoslavia,

Reaffirming the territorial integrity of all States in the region, within their internationally recognized borders,

I

Introduction

1. Stresses the crucial role that human rights questions play in the success of the Peace Agreement, and underlines the obligations of the parties under the Framework Agreement to secure all persons within their jurisdiction the highest level of international norms and standards of human rights and fundamental freedoms;

2. Commends the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia (Serbia and Montenegro) - together, the countries of the mandate - for her efforts, welcomes the reports of the Special Rapporteur and calls on the Governments of and authorities in these States to continue to cooperate with and support the work of the Special Rapporteur, and to give immediate effect to her recommendations, both present and past, and to provide her on a regular basis with information about the actions they are undertaking to implement her recommendations;

3. Commends the High Commissioner for Human Rights for his activities in the implementation of the Peace Agreement, in particular by developing and conducting training for international monitors including for the Organization for Security and Cooperation in Europe and United Nations International Police Task Force missions; making available to the High Representative human rights experts; continuing to support the work of the Special Rapporteur and the expert in charge of the special process dealing with missing persons, participating actively in the International Commission on Missing Persons in the Former Yugoslavia and calls upon the United Nations and all States to support fully the High Commissioner for Human Rights in carrying out his activities;

4. Welcomes the efforts of the Organization for Security and Cooperation in Europe, the Council of Europe, the Human Rights Task Force and the Human Rights Coordination Centre of the Office of the High Representative, the European Union, the International Police Task Force and the United Nations

High Commissioner for Human Rights in monitoring and strengthening the for human rights and fundamental freedoms in Bosnia and Herzegovina and region;

5. Commends the efforts of host countries to offer shelter and provide refugees with humanitarian and other assistance;

II

Violations of human rights

6. Reaffirms in the strongest terms its previous condemnations past violations of human rights in the countries of the mandate of the Rapporteur in particular as stated in its resolution 1996/71;

7. Expresses its serious concern about continuing human rights violations within the countries of the mandate and the delays in fully implementing the human rights provisions of the Peace Agreement;

8. Condemns in the strongest terms the continued forcible expul of individuals from their homes in Bosnia and Herzegovina and the practi destroying the homes of those previously forcibly expelled, and calls fo immediate arrest and punishment of individuals engaged in these actions;

9. Condemns the continuing restrictions on freedom of movement between the Republika Srpska and the Federation of Bosnia and Herzegovin and within the Federation of Bosnia and Herzegovina and within the Republika Srpska;

10. Expresses its continuing concern for women and children, especially in Bosnia and Herzegovina, who were victims of rape used as a weapon of war, and demands that the perpetrators of rape be brought to ju and that the victims and witnesses receive adequate assistance and protec

III

General obligations

11. Urges the parties and Member States to take into account the Special Rapporteur's recommendation and the declaration by the internatio community at the Peace Implementation Conference held in London on 4 and 5 December 1996 that, without consistent progress in implementing internationally accepted standards of human rights in Bosnia and Herzegov the international community will not maintain its level of commitment of and financial resources for reconstruction;

12. Underlines in this context that, without the compliance and a participation of all the authorities in Bosnia and Herzegovina in rebuildi

civil society, and without their making progress towards political reconciliation, they cannot expect the international community and major donors to continue shouldering the political, military and economic burden of the implementation and reconstruction efforts;

13. Calls upon in this respect, the countries of the mandate, as well as the authorities of the Federation of Bosnia and Herzegovina and the Republika Srpska:

(a) To implement fully the commitments made in the Peace Agreement to protect human rights, and also insists that the parties act to promote and protect democratic institutions of government at all levels in their respective countries, to ensure freedom of expression and of the media, to allow and encourage freedom of association, including with respect to political parties, and to ensure freedom of movement;

(b) To cooperate fully with the international mechanisms which have mandates involving human rights, including the High Representative, the International Police Task Force, the High Commissioner for Human Rights, the Organization for Security and Cooperation in Europe, the European Community Monitoring Mission, the Council of Europe and other international, regional as well as non-governmental organizations;

(c) To cooperate effectively with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Former Yugoslavia (the Tribunal), established pursuant to Security Council resolution 808 (1993);

(d) To ensure full and free access to their territories and to relevant facilities for all institutions and organizations concerned with the implementation of the present resolution, including non-governmental organizations;

(e) To facilitate, with the assistance of the international community, in particular the Office of the United Nations High Commissioner for Refugees, the early, safe and orderly return of refugees and displaced persons to their homes of origin or, in exceptional cases, to other places of their choice, honouring fully the commitments undertaken under the Peace Agreement in regard to human rights and refugee issues;

(f) To take immediate and effective steps to build confidence among people in order to foster civil society and to prevent new mass exoduses of populations;

(g) To implement the commitments made in the Joint Statement of the Bosnia and Herzegovina Ministerial Council, the Bosnia and Herzegovina Federal Government and the Republika Srpska Government issued in Geneva on 21 March 1997 on the repatriation of refugees and the return of and the solution to the problem of displaced persons within Bosnia and Herzegovina, in both its entities;

(h) Specifically the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnia and Herzegovina to speed up the process of normalization of their relations, in accordance with the conclusions of the high-level meeting held in Paris on 3 October 1996, and to refrain from any actions that may undermine the full implementation of the Peace Agreement;

14. Appeals to the international community to support such efforts and, in particular, the promotion of democratic institutions in the countries of the mandate, inter alia by improving the administration of justice and the functioning of free media, and by fostering a culture of respect for human rights;

IV

International Tribunal

15. Calls upon all States and all parties to the Peace Agreement to meet their obligations to cooperate fully with the Tribunal, and urges all States and the Secretary-General to support the Tribunal to the fullest extent possible, in particular by helping to ensure that persons indicted by the Tribunal stand trial before it, and, as a matter of urgency, by continuing to make available to the Tribunal adequate resources to aid in the fulfilment of its mandate;

16. Also calls upon the authorities of Bosnia and Herzegovina, and in particular the authorities of the Republika Srpska, to implement immediately the "Rules of the Road" agreed in Rome on 18 February 1996 by arresting or detaining only those war crime suspects sought by the Tribunal, by notification after arrest and prompt release if the person is not sought by the Tribunal, by submitting all cases involving suspected war crimes to the Tribunal for review prior to prosecution by national courts and by facilitating access to detainees by the Tribunal and other monitors and representatives of non-governmental organizations;

17. Urgently calls upon competent authorities in Bosnia and Herzegovina, including those of the Federation and in particular in the

Republika Srpska, and the Governments of the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to apprehend and surrender for prosecution, as required by Security Council resolution 827 and the statement by the President of the Security Council on 8 May 1996, all persons indicted by the International Criminal Tribunal;

18. Notes that the large majority of those indicted by the Tribunal, including Radovan Karadzic and Ratko Mladic, according to the Special Rapporteur are living in the Republika Srpska, and deplores the failure of the authorities there to act;

19. Calls upon the international community to give the Tribunal every appropriate help to bring into custody suspects indicted by it;

V

Bosnia and Herzegovina

20. Takes note of the successful holding of elections on 14 September 1996 under the supervision of the Organization for Security and Cooperation in Europe, with the support of the European Union and other organizations, and stresses in this regard that the primary responsibility for laying the foundation for representative government and for ensuring the progressive achievement of democratic goals and building a tolerant, multi-ethnic society lies with the people of the State of Bosnia and Herzegovina, in particular through the central Government and the governments of the entities as well as through, inter alia, religious communities, humanitarian organizations and non-governmental organizations;

21. Welcomes the activities the Commission on Human Rights for Bosnia and Herzegovina has undertaken, despite the lack of funding therefor, and underlines the importance of its intensifying its activities concerning alleged or apparent violations of human rights, and alleged or apparent discrimination of any kind;

22. Calls upon all authorities in Bosnia and Herzegovina:

(a) To comply with the human rights provisions of the Constitution of Bosnia and Herzegovina;

(b) To prevent human rights violations and ensure that persons under their control who commit violations are held accountable, especially violations described in the report of the Special Rapporteur, such as arbitrary detention practised by all parties and restrictions on media freedom;

(c) To ensure that local police forces fully respect and protect all human rights;

(d) To ensure full freedom of movement within, and between, the territories of both entities, as required by the Peace Agreement;

(e) To allow the return of refugees and displaced persons to their places of origin and to cease immediately actions that undermine the right to return, and to take immediate steps to repeal legislation which infringes on the right to return, including laws relating to "abandoned" property, to end illegal evictions of persons from their homes and to reinstate in their homes persons who have been evicted in violation of their rights;

(f) In particular those of the Republika Srpska and the Federation, to implement fully existing laws providing amnesty for crimes related to the conflict, other than serious violations of international humanitarian law, and, in the case of the Republika Srpska, to amend immediately its law to provide amnesty for persons who avoided conscription or deserted, as required by the Peace Agreement;

(g) To abide by the decisions of the Brcko Arbitrators and the Chairman's Conclusions of the Brcko Implementation Conference held in Vienna, on 7 March 1997, and to cooperate fully with the Office of the High Representative, the newly appointed Deputy High Representative for Brcko and other responsible actors in all aspects of its implementation;

(h) In an effort to strengthen a free press, to make publications and broadcasts from both sides easily available in each entity, and to develop where necessary an appropriate legislative framework;

(i) To cooperate fully with the Commission on Human Rights for Bosnia and Herzegovina - the Ombudsperson and the Human Rights Chamber - created under annex 6 to the Peace Agreement, in particular by establishing procedures for assisting with investigations by, and for responding to, their requests and reports, and providing for the immediate and effective implementation and enforcement of their decisions;

(j) To create the necessary conditions for free and fair municipal elections to be held under the supervision of the Organization for Security and Cooperation in Europe;

23. Calls upon relevant cantonal governments and local authorities to take the necessary steps to end beatings, unlawful evictions and other forms of harassment, particularly in multi-ethnic areas such as Mostar and Stolac,

complying fully with the demands of the Security Council contained in the statement of its President of 19 March 1997, and to prosecute to the full extent of the law before an independent and impartial tribunal those identified in the report of the International Police Task Force concerning the incidents in Mostar on 10 February 1997;

24. Calls upon authorities in the Republika Srpska to establish without delay institutions for the protection of human rights, in particular a human rights ombudsman;

25. Calls upon the international community:

(a) To help implement the decision of the Security Council to support the authority of the International Police Task Force to investigate human rights abuses committed by law enforcement personnel by, inter alia, providing the necessary resources, equipment and training, and to support also the proposal by the High Commissioner for Human Rights to continue and expand his training for the International Police Task Force;

(b) To help the parties develop law enforcement structures that are competent and dedicated to complying with the "Internationally accepted principles of policing in a democratic state" of the International Police Task Force;

(c) To continue to work constructively so that persons who have left their territory can return in safety, including those who have been accorded temporary protection by third countries;

(d) To help ensure that the Constitutional Court, the Commission on Human Rights for Bosnia and Herzegovina and its two parts, the Office of the Ombudsperson and the Human Rights Chamber, are fully supported and their decisions respected;

26. Encourages the international community to respond favourably to appeals for voluntary contributions for the benefit of the Commission on Human Rights for Bosnia and Herzegovina, while calling upon the Government of Bosnia and Herzegovina to fulfil its obligations in this regard, and for the Commission for Real Property Claims of Refugees and Displaced Persons for Bosnia and Herzegovina, the International Commission on Missing Persons in the Former Yugoslavia, the United Nations High Commissioner for Human Rights/Centre for Human Rights and other institutions of reconciliation, democracy and justice in the region;

VI

Republic of Croatia

27. Calls upon the Government of the Republic of Croatia to undertake greater efforts to adhere to democratic principles and the highest level of international norms and standards of human rights and fundamental freedoms and to respect the protection of free and independent media, and:

(a) To continue to cooperate fully with the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium to ensure that the reintegration of Eastern Slavonia occurs peacefully and with respect for the human rights of all residents and returning displaced persons and refugees, including their property rights, their right to remain, leave or return in safety and dignity, and to prevent new flows of refugees from Eastern Slavonia, and to enable the restoration of the multi-ethnic character of Eastern Slavonia;

(b) To allow the expeditious return to their homes in all regions, in particular to the Krajina, of all refugees and displaced persons, to use all available means to secure their safety and human rights and to allow continued access to this population by humanitarian organizations;

(c) Within the procedures established in Rome on 18 February 1996 concerning the arrest, detention and trial of persons for violations of international humanitarian law (the "Rules of the Road"), to pursue prosecutions against those suspected of past violations of international humanitarian law and human rights, while ensuring that the rights to a fair trial and to legal representation are afforded to all persons suspected of such crimes;

(d) To prevent harassment, looting and physical attacks against Croatian Serbs, in particular involvement by Croatian military and police officials, and to investigate and arrest those responsible for acts of violence and intimidation aimed at driving people away;

(e) To guarantee freedom of the press, including independent television, radio and print media, in all parts of the country;

(f) To respect the right of non-governmental organizations to operate without arbitrary restrictions;

(g) To fulfil the rights and guarantees pledged in the letter of 13 January 1997 (S/1997/27) from the Government of Croatia including, inter alia, the pledge to guarantee the local Serb community representation

and a voice at various levels of local, regional and national government and to provide the local Serb population with the protection of their legal and civil rights under Croatian law, and to this end to fulfil their obligations regarding the completion of the issuance of citizenship and identity documents and relevant technical documents;

(h) To implement the Amnesty Law enacted on 25 September 1996;

28. Calls upon the international community:

(a) To support the proposal of the High Commissioner for Human Rights to provide human rights guidance and counseling to the civilian police contingent of United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium remaining in the field in 1997 and also to support the involvement of the High Commissioner for Human Rights in human rights monitoring in the region of Eastern Slavonia, in close cooperation with other international organizations and in close consultation with the Government of Croatia;

(b) To provide for a continued international presence, as recommended by the Special Rapporteur, through support of initiatives advanced by the High Commissioner for Human Rights, the Organization for Security and Cooperation in Europe, the Council of Europe the European Community Monitoring Mission and other international organizations;

(c) To support fully the plans of United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium to organize the return in dignity and safety of Croatian and other non-Serb refugees who were forcibly expelled from their homes, and commends in this regard the so-called sponsorship programme of United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium;

VII

Federal Republic of Yugoslavia (Serbia and Montenegro)

29. Calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) To undertake substantially greater efforts to institute and to implement fully democratic norms, especially in regard to respect for the principle of free and fair elections and protection of free and independent media, and full respect for human rights and fundamental freedoms;

(b) To expand opportunities for the independent media, institute non-partisan management of the state-owned media and cease efforts to restrict press and broadcast journalism;

(c) To cease torture and ill-treatment of persons in detention as described in the report of the Special Rapporteur, and to bring those responsible to justice;

(d) To revoke any discriminatory legislation, to apply all other legislation without discrimination and to take urgent action to prevent arbitrary evictions and dismissals and discrimination against any ethnic or national, religious or linguistic group;

(e) To respect the rights of persons belonging to minority groups, especially in Sandjak and Vojvodina, and of persons belonging to the Bulgarian and Croatian minorities;

(f) To take immediate action, in view of the deteriorating situation in Kosovo and the danger of escalating violence there, to put an end to the continuing repression of and prevent violence against the ethnic Albanian population, including acts of harassment, beatings, torture, warrantless searches, arbitrary detention, unfair trials, and arbitrary, unjustified evictions and dismissals;

(g) To release all political detainees, allow the return in safety and dignity of ethnic Albanian refugees to Kosovo and respect fully all human rights and fundamental freedoms, including freedom of the press, freedom of movement and freedom from discrimination in the field of education and information;

(h) To allow the establishment of democratic institutions in Kosovo and the right to seek, receive and impart information and ideas through any media, and in particular to improve the situation of ethnic Albanian women and children, and to allow an international presence for monitoring of the human rights situation;

(i) Following the welcome establishment of an office of the High Commissioner for Human Rights in Belgrade and continued cooperation with the Special Rapporteur, to broaden their cooperation with institutions concerned with human rights, in particular by allowing the High Commissioner for Human Rights and the European Union to establish a presence in Pristina (Kosovo), and to allow visits by the personal representative of the Chairman in Office of the Organization for Security and Cooperation in Europe in Kosovo;

30. Calls once again upon all parties in the Federal Republic of Yugoslavia (Serbia and Montenegro) to engage in a substantive dialogue, to act with the utmost restraint and with full respect for human rights, and to refrain from acts of violence, and calls especially upon the Federal Republic of Yugoslavia (Serbia and Montenegro) to pursue dialogue with representatives of ethnic Albanians in Kosovo;

31. Emphasizes that improvements in the promotion and protection of human rights and political freedoms in Kosovo and the rest of its territory as well as cooperation with the Tribunal will assist the Federal Republic of Yugoslavia (Serbia and Montenegro) to establish the full range of relations with the international community;

32. Calls upon the international community:

(a) To establish appropriate safeguards to ensure the security and fair treatment upon return of those who sought temporary protection and asylum, including appropriate measures by Governments, such as legal guarantees and follow-up mechanisms, to allow these persons to return to their homes in the Federal Republic of Yugoslavia (Serbia and Montenegro) in safety and dignity;

(b) To continue to support existing national democratic forces and non-governmental organizations in their efforts to build a civil society and achieve multi-party democracy in the Federal Republic of Yugoslavia (Serbia and Montenegro);

(c) To support efforts by the Office of the United Nations High Commissioner for Refugees by encouraging and assisting the voluntary return in safety to Croatia of ethnic Serb refugees in the Federal Republic of Yugoslavia (Serbia and Montenegro) who were forcibly expelled or otherwise fled from their homes;

VIII

Missing persons

33. Thanks the expert member of the Working Group on Enforced or Involuntary Disappearances for his report (E/CN.4/1997/55) on the special process on missing persons in the territory of the former Yugoslavia;

34. Expresses its appreciation to the expert for the special process for his contribution to the eventual resolution of the problem of missing persons by his dedication to this question;

35. Reminds the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) of its responsibility to investigate enforced

disappearances, enhance its cooperation with the Republic of Croatia and with the State of Bosnia and Herzegovina in tracing missing persons and to provide complete and precise information on this subject, calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to live up to its bilateral agreement with the Republic of Croatia to this effect, to accept similar bilateral arrangements with Bosnia and Herzegovina and to respond positively to the efforts of the international community, including by attending high-level intergovernmental meetings to this end;

36. Welcomes in this regard the formation of the International Commission on Missing Persons and requests that the International Commission, the High Representative, the Special Rapporteur, and the International Committee of the Red Cross coordinate their efforts, while bearing in mind the evidentiary requirements of the Tribunal, and also bearing in mind the provisions of its resolution 1996/71 that deal with this question;

37. Specifically calls upon the countries of the mandate of the Special Rapporteur:

(a) To release immediately all individuals held as a result of, or in relation to, any conflict between or among them;

(b) To release immediately to the International Committee of the Red Cross and other relevant organizations any and all information, including, but not limited to, all medical, dental and autopsy records, necessary to resolve the fate of persons missing as a result of the conflicts between and among the parties;

(c) To cooperate fully, immediately and at the highest diplomatic levels with the International Commission, the Expert Group on Exhumations and Missing Persons of the Office of the High Representative and the Working Group on Missing Persons Chaired by the International Committee of the Red Cross in their efforts to accelerate the resolution of missing person cases and to alleviate the suffering of the families of the missing;

38. Stresses the necessity of close coordination on the issue between relevant international organizations and welcomes the commitments made by the Office of the High Representative to give priority to the question of missing persons, in particular by taking active steps to ensure that excavations and exhumations are carried out where possible;

39. Requests, in consideration of the resignation of the expert for the special process, that the Special Rapporteur, the International Committee

of the Red Cross, the Office of the High Representative, the headquarters of the International Commission on Missing Persons and other relevant actors consult the expert member of the Working Group so that appropriate arrangements, including for transfer of relevant information acquired by the expert, can be made for these organizations to assume the functions concerning missing persons performed by the expert member up to the date of his resignation;

40. Calls upon the international community:

(a) To provide the appropriate financial, personnel and logistical resources so that the Office of the High Representative, the relevant governmental institutions and other organizations entrusted with the responsibility of resolving the question of missing persons can accomplish their tasks without undue delay;

(b) To ensure that excavations and exhumations of mortal remains are undertaken in conformity with internationally accepted practice;

(c) To ensure also that excavations can continue where local authorities are prevented from carrying them out or where local authorities prevent their being carried out;

IX

Special Rapporteur

41. Requests the Special Rapporteur, in addition to the activities mandated in its resolutions 1994/72 and 1996/71:

(a) To focus her future activities on prevention and reporting of violations of, and lack of action to protect, all human rights and fundamental freedoms by governmental authorities, particularly violations that exacerbate ethnic tension, and on protecting the rights of persons belonging to minorities, women and vulnerable groups such as children and the elderly, particularly their right to return to their homes in safety and dignity;

(b) To continue to support the High Representative's efforts to report on implementation of the Peace Agreement by exchanging information and advice on the human rights situation in the territories covered by her mandate with the High Representative, the Organization for Security and Cooperation in Europe and other competent organizations, and by providing to the High Representative her recommendations concerning compliance with the human rights elements of the Agreement;

(c) To contribute to efforts to build democratic institutions and improve the administration of justice, on prevention and reporting of violations by civil authorities, particularly violations that exacerbate ethnic tension and on protecting the rights of people belonging to minorities, women and vulnerable groups such as children and the elderly, particularly their right to return to their homes in safety and dignity;

(d) To act on behalf of the United Nations in dealing with the question of the missing, including through participation in the Expert Group on Exhumations and Missing Persons of the Office of the High Representative and the Working Group on Missing Persons Chaired by the International Committee of the Red Cross and attendance at meetings of the International Commission on Missing Persons, to contribute to a smooth transition between the mandate of the expert for the special process and the organizations to which his functions are to be transferred, and to report to the Commission on Human Rights about activities concerning missing persons in the former Yugoslavia;

(e) To provide the Commission at its fifty-fourth session her overview of the human rights situation in the territories covered by her mandate, as requested in its resolution 1996/71;

42. Decides to extend for one year the mandate of the Special Rapporteur as revised in the present resolution, and requests that she continue her vital efforts, especially by continuing to carry out missions to:

(a) Bosnia and Herzegovina;

(b) The Republic of Croatia, including Eastern Slavonia, Baranja and Western Sirmium;

(c) The Federal Republic of Yugoslavia (Serbia and Montenegro), including to Kosovo, as well as to Sandjak and Vojvodina;

and that she continue to submit periodic reports to the General Assembly and the Commission on Human Rights;

43. Requests the Special Rapporteur to provide a final report on the former Yugoslav Republic of Macedonia to the Commission no later than 30 September 1997 and decides, unless the Special Rapporteur recommends otherwise in her report, to discontinue its consideration of the former Yugoslav Republic of Macedonia upon delivery of the said report;

44. Requests the Secretary-General to continue to make the Special Rapporteur's reports available to the Security Council and to the Organization for Security and Cooperation in Europe;

45. Urges the Secretary General, from within existing resources, to make all necessary resources available for the Special Rapporteur to carry out her mandate successfully and in particular to provide her with adequate staff based in the territories covered by her mandate to ensure effective continuous monitoring of the human rights situation there and coordination with other international organizations involved.

65th meeting
15 April 1997

[Adopted without a vote. See chap. X.]

1997/58. Situation of human rights in Zaire

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that Zaire is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights, as well as to the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, most recently Commission on Human Rights resolution 1996/77 of 23 April 1996, and noting Security Council resolution 1097 (1997) of 18 February 1997,

Recognizing the burden which the population of eastern Zaire has sustained in granting asylum to the Rwandan and Burundian refugees since 1994 and the accompanying environmental degradation which followed this massive influx of refugees,

1. Welcomes:

(a) The reports of the Special Rapporteur on the situation of human rights in Zaire (E/CN.4/1997/6 and Add.1-2);

(b) That the Government of Zaire agreed to a visit by the Special Rapporteur in the discharge of his mandate, while regretting that he was not able to visit certain areas and that the Government did not reply to his requests for information;

(c) The fact that the Government of Zaire agreed to the establis of an office of the United Nations High Commissioner for Human Rights in Kinshasa, entrusted with the task of monitoring the situation of human r and giving advice to the governmental authorities and non-governmental organizations;

(d) The preparations for elections, including the establishment National Electoral Commission and of the Standing Interministerial Commi to ensure contacts between the Government and the National Electoral Commission, and welcomes the decision to hold a constitutional referendu

2. Expresses its concern:

(a) At the lack of improvement in the human rights situation and the continuing violations of human rights and fundamental freedoms in Za particularly cases of summary execution, torture and cruel, inhuman or degrading treatment, violence against women, arbitrary detention, inhuman degrading prison conditions, particularly for children and especially in detention centres administered by the army and security services, and den of the right to a fair trial, as well as intimidations and reprisals, in particular against political figures;

(b) At the situation of human rights defenders in Zaire;

(c) At the armed conflict in eastern Zaire, and at the high numbe civilian casualties, as well as at the widespread lack of respect for hum rights and international humanitarian law by all parties;

(d) That the army and the security forces continue to use force against civilians and to enjoy great impunity, which remains one of the principal causes of human rights violations in Zaire;

(e) At all discriminatory measures based on ethnic grounds;

(f) At the occurrences of arbitrary deprivation of nationality;

(g) At the delay in the process, aggravated by the war in eastern Zaire, of democratic transition and in the organizing of free and multi-p elections, as foreseen in the Constitutional Act of Transition;

(h) At the lack of follow-up to previous recommendations by the Special Rapporteur;

3. Calls upon the Government of Zaire:

(a) To put an end to the impunity of persons responsible for huma rights violations, including members of the army and security forces;

(b) To intensify cooperation with the Special Rapporteur and the office of the United Nations High Commissioner for Human Rights in Kinshasa and to indicate how the Government of Zaire has taken the Special Rapporteur's recommendations into account;

(c) To ensure that all decisions concerning the acquisition or deprivation of nationality are taken in accordance with principles and norms of international law;

(d) To provide the National Commission for the Promotion and Protection of Human Rights with the necessary means to function effectively and independently, and to seek the assistance of the office of the United Nations High Commissioner for Human Rights in Kinshasa in this respect;

(e) To reinforce the judiciary and its independence;

(f) And all other parties to the conflict in eastern Zaire to approve unconditionally the five-point peace plan for eastern Zaire endorsed by the Security Council and the Organization of African Unity, and to negotiate an immediate cessation of hostilities and a peaceful settlement; to withdraw all external forces, including mercenaries; to facilitate access to the area for humanitarian organizations and to seek a political solution to the problems, respecting the territorial integrity of Zaire, the human rights of everyone, including refugees and displaced persons, and the process of democratization in Zaire, including the holding of free and fair elections;

(g) To make further preparations for the holding of free and fair elections as foreseen in the basic agreement on the transition, drawing on assistance from the international community, and to ensure full respect for the freedom of opinion and expression, including for all mass media, as well as freedom of association and assembly throughout the territory of Zaire;

(h) To take into account the importance of civil society in implementing and strengthening the democratization process;

(i) To cooperate with respect to the strengthening of the office of the High Commissioner for Human Rights, including an increase in the number of observers;

4. Calls upon the Government of Zaire and all other parties:

(a) To accept with immediate effect investigations by the joint mission appointed by the Commission into allegations of massacres and other issues affecting human rights and to ensure the security of the members of the joint mission and their free access to all areas they wish to visit;

(b) To accept the monitoring by international observers of respect for human rights and humanitarian law and to ensure free access and security for such observers;

5. Calls upon the international community to cooperate in future efforts with respect to the reconstruction and rehabilitation of the economic and social infrastructure in eastern Zaire;

6. Decides:

(a) To request the Special Rapporteurs on the situation of human rights in Zaire and on extrajudicial, summary or arbitrary executions and a member of the Working group on Enforced or Involuntary Disappearances to carry out a joint mission to investigate allegations of massacres and other issues affecting human rights which arise from the situation prevailing in eastern Zaire since September 1996 and to report to the General Assembly by 30 June 1997 and to the Commission at its fifty-fourth session;

(b) Requests the High Commissioner for Human Rights to facilitate the activities of the joint mission, in particular with respect to its funding, in order to accelerate its work and to provide appropriate technical expertise to enable the mission to fulfil its mandate;

(c) To extend the mandate of the Special Rapporteur for a further year, and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-second session and to report to the Commission at its fifty-fourth session, and also requests the Special Rapporteur to continue to apply a gender perspective to a greater extent in drawing up his reports, including in the collection of information and recommendations;

(d) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully;

(e) To continue the examination of the situation of human rights in Zaire at its fifty-fourth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world".

65th meeting
15 April 1997

[Adopted without a vote. See chap. X.]

1997/59. Situation of human rights in the Sudan

The Commission on Human Rights,

Reaffirming that all States have an obligation to respect and promote the human rights and fundamental freedoms and values embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments, and in international humanitarian law,

Recalling General Assembly resolution 51/112 of 12 December 1996 on the human rights situation in the Sudan and its own resolution 1996/73 of 23 April 1996, also on the human rights situation in the Sudan,

Noting with deep concern reports of grave human rights violations and abuses in the Sudan, particularly detentions without trial, forced displacement of persons and torture, as described inter alia in numerous reports submitted to the General Assembly and the Commission on Human Rights, 1/

Expressing serious concern about reports of religious persecution, including forced conversion of Christians and animists, in government-controlled areas of the Sudan,

Gravely disturbed that the Government has not provided full and impartial investigations and reports on human rights violations and abuses,

Deeply concerned about continued acts of indiscriminate and deliberate aerial bombardment by the Government of the Sudan of civilian targets in southern Sudan,

Deeply concerned also that access of international relief organizations to civilian populations continues to be severely impeded,

Alarmed by the large number of internally displaced persons and victims of discrimination in the Sudan, notably from southern Sudan and the Nuba Mountain region, who have been forcibly displaced and who are in need of assistance and protection, and by the destruction of villages, indiscriminate killing of civilian men, women and children and massive displacement of people in Blue Nile province after 12 January 1997,

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1/ Interim report on the situation of human rights in the Sudan (A/51/490 annex), Report of the Special Rapporteur on the situation of human rights in the Sudan (E/CN.4/1997/58), Interim report on the elimination of all forms of religious intolerance relating to a visit to the Sudan (A/51/542/Add.2). Report of the Special Rapporteur on the elimination of all forms of intolerance and of discrimination based on religion or belief (E/CN.4/1997/91).

Deeply concerned about continued reports of slavery, servitude, the slave trade and forced labour, the sale and trafficking of children and their abduction and forced internment, often at undisclosed locations,

Also concerned about reports of ideological indoctrination or cruel, inhuman or degrading treatment, especially but not exclusively affecting displaced families and women and children belonging to racial, ethnic and religious minorities,

Gravely concerned about reports that these practices have frequently been carried out by agents under government authority or have taken place with the knowledge of the Government of the Sudan,

Taking note of efforts reported by the Government of the Sudan to investigate such activities and practices, as well as measures proposed to eliminate verified instances of them, as urged by the General Assembly in resolution 51/112,

Deeply concerned about policies, practices and activities which are directed against and particularly violate the human rights of women and girls, and noting the continuation of such practices, including civil and judicial discrimination against women, as reported by the Special Rapporteur,

Welcoming the invitations extended by the Government of the Sudan to the Special Rapporteur on the situation of human rights in the Sudan, the Special Rapporteurs on religious intolerance and on freedom of opinion and expression, and the Working Group on Contemporary Forms of Slavery,

Welcoming also the support extended by the Government of the Sudan to the visit by a delegation of the African Commission on Human and Peoples' Rights from 1 to 7 December 1996,

Regretting that the second visit of the Special Rapporteur on the situation of human rights in the Sudan had to be abruptly terminated, and noting that the visit of the Special Rapporteur on freedom of opinion and expression has yet to take place,

Noting again the establishment by the Government of the Sudan of National Committees for Human Rights Education, and encouraging the Centre for Human Rights to take into consideration requests for assistance by the Government of the Sudan, including assistance to help these committees improve the observance of human rights in the Sudan,

1. Welcomes the most recent report of the Special Rapporteur on the situation of human rights in the Sudan (E/CN.4/1997/58), and expresses its support for his work;

2. Deeply regrets that the Government of the Sudan declared it was unable to guarantee the security of the United Nations Special Rapporteur on the situation of human rights in the Sudan during his abbreviated visit to the Sudan in January 1997;

3. Expresses its deep concern at continued serious human rights violations by the Government of the Sudan, including extrajudicial killings, arbitrary arrests, detentions without due process, enforced or involuntary disappearances, violations of the rights of women and children, slavery and slavery-like practices, forced displacement of persons and systematic torture, and denial of the freedoms of religion, expression, association and peaceful assembly, and emphasizes that it is essential to put an end to violations of human rights in the Sudan;

4. Also expresses deep concern at actions by other parties to the conflict, including kidnappings, arbitrary detention, forced conscription, indiscriminate killings, forced displacement and arrest of foreign relief workers without charge;

5. Expresses its outrage at the use by all parties to the conflict of military force to disrupt or attack relief efforts, and calls for an end to such practices and for those responsible for such actions to be brought to justice;

6. Renews its call to the Government of the Sudan to respect human rights fully, and calls upon all parties to the conflict to cooperate in order to ensure such respect;

7. Calls upon all parties to the hostilities to respect fully the applicable provisions of international humanitarian law including article 3 common to the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, to halt the use of weapons, including landmines, against the civilian population and to protect all civilians, especially

women, members of minorities and children, from violations of human rights and humanitarian law, including forcible displacement, arbitrary detention, ill-treatment, torture and summary executions;

8. Again urges the Government of the Sudan to release all political detainees, to cease all acts of torture and cruel, inhuman or degrading treatment, to close down all clandestine or unacknowledged detention centres, and to ensure that all accused persons are held in ordinary police or prison custody where family members and lawyers can visit them, and that such persons receive prompt, just and fair trials under internationally recognized standards;

9. Calls upon the Government of the Sudan to comply with applicable international human rights instruments and to bring its national legislation into accordance with those instruments to which the Sudan is a party, and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in those instruments;

10. Also calls upon the Government of the Sudan to ensure that its security forces, army, police forces, Popular Defence Forces and other paramilitary or civil defence groups are properly trained and act in compliance with the standards set forth in international humanitarian law, with the assistance of the International Committee of the Red Cross and other appropriate organizations, and that those responsible for violations of such law are brought to justice;

11. Urges the Government of the Sudan to investigate reported policies or activities which support, condone, encourage or foster the sale of or trafficking in children, separate children from their families and social backgrounds, forcibly round up children from the streets, or which subject children to forced internment, indoctrination or cruel, inhuman or degrading treatment or punishment, and to terminate immediately any such policies or activities and bring to trial any persons suspected of supporting or participating in them;

12. Also urges the Government of the Sudan to carry out promptly its promised investigations into cases of slavery, servitude, the slave trade, forced labour and similar institutions and practices, as reported by the

Special Rapporteur and others, to complete those investigations already begun and to take all appropriate measures to put an immediate end to these practices;

13. Welcomes the establishment in 1996 of the Special Investigation Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery, and urges the Government of the Sudan to give full effect to the work of the Committee;

14. Encourages the Government of the Sudan to work actively for the eradication of practices which are directed against and particularly violate the human rights of women and girls, especially in the light of the Beijing Declaration and Platform for Action (A/CONF.177/20) adopted at the Fourth World Conference on Women: Action for Equality, Development and Peace;

15. Calls upon the Government of the Sudan to cease immediately the deliberate and indiscriminate aerial bombardment of civilian targets and relief operations;

16. Urges all parties to the conflict to cooperate fully with the peace efforts of the Intergovernmental Authority on Drought and Development or related initiatives under its auspices to negotiate an equitable resolution of the civil conflict and ensure respect for the human rights and fundamental freedoms of the Sudanese people, thereby facilitating the return of refugees and internally displaced persons to their homes;

17. Calls once more upon the Government of the Sudan to carry out a full and thorough investigation by the independent judicial inquiry commission of the killing of Sudanese employees of foreign relief organizations, to bring to justice those responsible for the killings and to provide just compensation to the families of the victims;

18. Calls again upon the Government of the Sudan and all parties to the conflict to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to all war-affected civilians and to cooperate with initiatives of the Department of Humanitarian Affairs of the United Nations Secretariat and Operation Lifeline Sudan to deliver such assistance;

19. Expresses the hope once again that the dialogue between non-governmental organizations and religious minorities in the Sudan will be continued in order to improve relations between those minorities and the Government of the Sudan;

20. Decides to extend the mandate of the Special Rapporteur for an additional year;

21. Requests the Secretary-General to give the Special Rapporteur all necessary assistance, from within existing resources, in the discharge of his mandate;

22. Stresses the importance of the Special Rapporteur continuing to apply gender perspective systematically in the reporting process, including information collection and recommendations;

23. Encourages the Special Rapporteur on freedom of opinion and expression and the Working Group on Contemporary Forms of Slavery to consult with the Special Rapporteur on the situation of human rights in the Sudan and to accept the invitations of the Government of the Sudan;

24. Encourages the Government of Sudan, while acknowledging the mention of positive changes, to note the concerns mentioned in the report of the Special Rapporteur on religious intolerance and to review the recommendations made therein, with a view to modifying or repealing government legislation, policies, or activities, as suggested;

25. Recommends that priority be given to the placement of human rights field officers to monitor the situation of human rights in the Sudan, in the locations, under the modalities and with the objectives suggested by the Special Rapporteur;

26. Requests the Special Rapporteur to report to the Commission on Human Rights on the future need for human rights field officers, with the understanding that the Commission will, at its fifty-fourth session, reassess such need;

27. Requests the Special Rapporteur to report his findings and recommendations to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-fourth session;

28. Decides to continue its consideration of this question as a matter of priority at its fifty-fourth session.

65th meeting
15 April 1997
[Adopted without a vote. See chap. X.]